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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

JANET K. STEMSON, Individually, and ) Dept. No.  
as Personal Representative of the Estate of )  
Robert S. Stemson, Deceased, and on ) Cause No.  
behalf of his children and heirs of Robert )  
S. Stemson, Deceased, )

Plaintiffs,

vs.

ULTIMATE LOGISTICS, INC., RYDER )  
TRUCK RENTAL, MOHAMED ABDI )  
ALI, and JOHN DOES 1-10, )  
Defendants. )

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

COME NOW Plaintiffs, Janet K. Stemson, individually and as personal  
representative of the Estate of Robert S. Stemson, deceased; and on behalf of the  
children and heirs of Robert S. Stemson, deceased, by and through their counsel of

1 record, Robert T. Bell and Lance P. Jasper of Reep, Bell & Jasper, P.C., and allege  
2 as follows:

3 PARTIES

4 1. Plaintiff Janet K. Stemson (“Ms. Stemson”) is the wife of Robert S.  
5 Stemson (“Mr. Stemson”), deceased, and personal representative of his estate. She  
6 is a citizen of the State of Washington, residing at 850 Niemi Road, Woodland,  
7 Cowlitz County, Washington 98674. She brings this case on behalf of the Estate,  
8 herself, the children and heirs of Mr. Stemson.

9 2. Mr. Stemson is survived by eight (8) children: Rebeka J. West, 6401  
10 NE Cedar Creek Road, Woodland, Washington 98674; Rachel S. Stemson, 8921  
11 NE 104<sup>th</sup> Street, Vancouver, Washington 98662; Christa Lemcke, 6241 Providence  
12 Lane, Lipan, Texas 76462; Tammy Yearly, 7710 Ellis Drive, Weatherford, Texas  
13 76088; Richard Stemson, 2506 South Oak Street, Kennewick, Washington 99337;  
14 David Shane Stemson, 698 Hanson Street S.E., Tumwater, Washington 98501;  
15 Chehala Richardson, 845 Washington Street, Woodland, Washington 98674; and  
16 Sonia Sixkiller, P.O. Box #961, 135 Davidson Avenue, Apt. 135 C, Woodland,  
17 Washington 98674. Pursuant to Montana’s one action rule, the claims of the  
18 children are being advanced by Ms. Stemson in her capacity as personal  
19 representative of Mr. Stemson’s estate.

20 3. Upon information and belief, Defendant Ultimate Logistics, Inc.

1 (“Ultimate”) is an Ohio corporation and citizen with its headquarters at 2700 E.  
2 Dublin Granville Rd., Suite 6, Columbus, Ohio 43231. It at all times relevant, it  
3 was a commercial motor carrier operating in interstate commerce with U.S. DOT  
4 operating authority, USDOT number 2882323.

5 4. Upon information and belief, Defendant Ryder Truck Rental, Inc.  
6 (“Ryder”) is a Florida corporation and citizen with its principal place of business at  
7 11690 NW 105 St., Miami, Florida 33178. At all times relevant, it was a  
8 commercial motor carrier operating in interstate commerce with U.S. DOT  
9 operating authority, USDOT number 16130.

10 5. Upon information and belief, Defendant Mohamed Abdi Ali (“Ali”)  
11 was, at the time of the Wreck, a citizen of the State of Minnesota, residing at 3092  
12 Blaisdell Ave., Minneapolis, MN 55408.

13 6. The true names and capacities of Defendants John Does 1-10 are  
14 unknown to Plaintiffs. Plaintiffs therefore bring this action against the  
15 aforementioned Defendants by such fictitious names and will seek leave to amend  
16 this Complaint and Demand for Jury Trial when their true names are ascertained,  
17 together with additional and further appropriate allegations. The John Does  
18 Defendants may be individuals or entities who contracted with or otherwise  
19 exercised control over Defendant Ali or the tractor-trailer he was operating on  
20 December 21, 2021.



1 Stemson was severely injured in the wreckage of his cab. He survived for an  
2 appreciable length of time, experiencing extraordinary pain, and suffering as he  
3 fought for life. He ultimately died of his injuries while being crushed in the  
4 wreckage.

5 11. Defendant Ali failed to exercise reasonable care and unlawfully  
6 allowed the semi-tractor-trailer he was driving to enter the oncoming lanes of I-90.  
7 Montana Highway Patrol investigators determined he was driving in a distracted,  
8 inattentive and/or careless manner and that these acts caused the Wreck.

9 FIRST CAUSE OF ACTION  
10 (Negligence of Defendant Ali)

11 12. Plaintiffs reallege the other allegations of this Complaint as if fully  
12 set forth herein.

13 13. Defendant Ali failed to exercise reasonable care in the operation of  
14 the semi-tractor-trailer he was driving at the time of the Wreck.

15 14. Defendant Ali's failure to exercise reasonable care constitutes  
16 negligence and caused the subject Wreck.

17 15. Mr. Stemson was not negligent.

18 16. As a result of Defendant Ali's negligence, Mr. Stemson was trapped  
19 in the cab of his truck, was severely injured, survived for an appreciable length of  
20 time, and then died. He and his estate suffered damages including, without  
limitation: Pain and suffering; lost earnings; funeral expenses; and loss of his

1 established course of life. Mr. Stemson's wife and heirs have suffered damages  
2 including, without limitation: Loss of care, comfort, and society; loss of household  
3 services; loss of economic support; and such other damages as may be allowed by  
4 law.

5 SECOND CAUSE OF ACTION  
6 (Vicarious Liability of Defendants Ryder and Ultimate)

7 17. Plaintiffs reallege the other allegations of this Complaint as if fully  
8 set forth herein.

9 18. The tractor Defendant Ali was driving was owned by Defendant  
10 Ryder.

11 19. The photograph attached as Exhibit "1" hereto is a true and accurate  
12 photograph of the tractor Defendant Ali was driving at the time of the Wreck.

13 20. The tractor Defendant Ali was driving prominently bore the logos of  
14 Defendants Ryder and Ultimate on the side of the cab.

15 21. The tractor Defendant Ali was driving prominently identified  
16 Defendant Ryder's USDOT number beneath the Ryder logo, and Defendant  
17 Ultimate's USDOT number beneath the Ultimate logo.

18 22. Together, these logos and the use of the USDOT identification as  
19 operating authority for the tractor signaled to the motoring public that Defendants  
20 Ultimate and Ryder were jointly acting as interstate motor carriers and operators of

1 the tractor, and that the tractor was being operated pursuant to the operating  
2 authority granted to both entities.

3 23. At all relevant times, Defendant Ali was in the capacity of agent,  
4 servant, statutory employee and/or constructive employee of both Defendants  
5 Ryder and Ultimate.

6 24. Based upon the foregoing, Defendants Ryder and Ultimate are  
7 vicariously liable for the wrongful acts of Defendant Ali and all damages caused  
8 thereby.

9 25. In addition, at all relevant times, Defendants Ryder and Ultimate  
10 were each interstate motor carriers pursuant to whose operating authority the  
11 tractor was being operated. As such, irrespective of an employment or agency  
12 relationship with Defendant Ali, Defendants Ryder and Ultimate are interstate  
13 motor carriers liable for the acts or omissions of Defendant Ali.

14 THIRD CAUSE OF ACTION  
15 (Negligence of *Defendants Ryder and Ultimate*)

16 26. Plaintiffs reallege the other allegations of this Complaint as if fully set  
17 forth herein.

18 27. As motor carriers operating in interstate commerce, Defendants  
19 Ryder and Ultimate had a duty to ensure that Defendant Ali was capable of safely  
20 operating the type of commercial motor vehicle which he was assigned to drive.

1 *See, e.g.*, 49 CFR sec. 391.11(b)(3).

2 28. Upon information and belief, Defendant Ali was not adequately vetted  
3 or trained by Defendants Ryder and Ultimate prior to placing him behind the wheel  
4 of an approximately 39-ton truck and allowing him to drive in the types of winter  
5 conditions commonly encountered on I-90 during the winter in Montana.

6 29. Defendant Ali was, upon information and belief, an unskilled driver  
7 ill-prepared to manage the driving conditions which are common on Montana  
8 highways during the winter. His lack of skill and familiarity with driving in winter  
9 conditions led directly to his loss of control and caused the Wreck.

10 30. Defendants Ryder and Ultimate were negligent in the hiring,  
11 retention, training, safety management, and supervision of Defendant Ali. Such  
12 negligence caused or contributed to the Wreck.

13 31. As a result of Defendants Ryder's and Ultimate's negligence, the  
14 Wreck occurred. Mr. Stemson was trapped in the cab of his truck, was severely  
15 injured, survived for an appreciable length of time, and then died. He and his estate  
16 suffered damages including, without limitation: Pain and suffering; lost earnings;  
17 funeral expenses; and loss of his established course of life. His wife and heirs have  
18 suffered damages including, without limitation: Loss of care, comfort, and society;  
19 loss of household services; loss of economic support; and such other damages as  
20 may be allowed by law.



FOURTH CAUSE OF ACTION

(Exemplary Damages *against Defendants Ryder and Ultimate*)

32. Plaintiffs reallege the other allegations of this Complaint as if fully set forth herein.

33. Defendants Ryder and/or Ultimate either knew or intentionally disregarded the fact that Defendant Ali lacked experience and training to drive a semi tractor-trailer in winter conditions common to I-90 in Montana, or deliberately disregarded such facts by failing to inquire into his experience or ensure he had adequate training.

34. Defendants Ryder and/or Ultimate took no actions to appropriately screen inexperienced drivers from severe weather conditions or to ensure that the routes the drivers were driving were within their capabilities.

35. A post-wreck inspection also revealed that the electronic control module in the truck had been modified and thus that it was not recording data necessary to track the usage of the truck and/or determine regulatory compliance. Such modifications are often used by operators who seek to avoid regulatory compliance. Upon information and belief, this modification was accomplished by either Defendant Ultimate or Defendant Ryder, or done with their assent, as a means of preventing the recordation of evidence potentially relevant to determining the cause of a crash including, without limitation, vehicle speed,

1 control inputs, and information concerning about the usage of the vehicle in  
2 relevant time frames leading up to the crash.

3 36. When questioned by Montana Highway Patrol following the Wreck,  
4 and despite a lack of any serious injury, Defendant Ali could not accurately  
5 describe his route, origin, or destination. He was not able to describe how or why  
6 he lost control of his vehicle. He demonstrated a complete lack of understanding of  
7 his role as the driver of a 39-ton vehicle capable of causing severe injury or death  
8 to other members of the driving public. Likewise, his passenger (who had been  
9 operating the tractor-trailer on the same trip) gave conflicting information about  
10 the truck's origin, how long they had been driving, whether and when rest stops  
11 may have occurred. Both drivers appeared to be deliberately vague about events  
12 which they should have been tracking for purposes of regulatory compliance and  
13 safe, non-fatigued driving.

14 37. In failing to employ appropriate methods to protect the public from  
15 inexperienced and/or untrained drivers like Defendant Ali, and potentially  
16 deliberately preventing the recordation of evidence that could reveal regulatory  
17 violations, Defendants Ryder and Ultimate demonstrated they either knew of facts  
18 or intentionally disregarded facts posing a high probability of injury to the driving  
19 public. They further proceeded to act in conscious or intentional disregard of said  
20 high probability of injury, or with indifference thereto.

1        38. Defendants Ryder and/or Ultimate are guilty of actual malice within  
2 the meaning of Mont. Code Ann. § 27-1-221. As such, an award of exemplary  
3 damages against each or both is appropriate.

4                                    PRAYER FOR RELIEF

5        WHEREFORE, Plaintiffs respectfully pray for the following relief:

- 6            1. An award of general damages;
- 7            2. An award of special damages;
- 8            3. An award of survivorship damages (including lost future earnings of  
9 the decedent);
- 10          4. An award of damages to the estate;
- 11          5. An award of damages to Mr. Stemson's heirs;
- 12          6. An award of exemplary damages;
- 13          7. An award of costs of suit; and
- 14          8. Such further and other relief as may be allowed by law.

15        DATED this 20<sup>th</sup> day of September, 2022.

16                                    REEP, BELL & JASPER, P.C.

17                                    By: /s/ Robert T. Bell  
18    Attorneys for Plaintiffs

19                                    JURY TRIAL DEMAND

20        Plaintiffs hereby demand trial by jury on all issues so triable.

1 DATED this 20<sup>th</sup> day of September, 2022.

2 REEP, BELL & JASPER, P.C.

3 By: /s/ Robert T. Bell  
4 Attorneys for Plaintiffs  
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